

# EXHIBIT

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION  
VOLUME 7 OF 9

HEARING ON BROOKS PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

FIFTH CIRCUIT JUDGE JERRY EDWIN SMITH  
U.S. DISTRICT JUDGE DAVID C. GUADERRAMA  
U.S. DISTRICT JUDGE JEFFREY V. BROWN

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CROSS - DR. ALFORD

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15:16:12 1 Q. Where did you get this data?

15:16:14 2 A. That's the result of an EI analysis.

15:16:18 3 Q. Who provided you the EI analysis?

15:16:20 4 A. So the EI analysis was performed, as is true for all

15:16:26 5 of my EI analysis, under my direction, supervised by Dr. Randy

15:16:36 6 Stevenson.

15:16:37 7 Q. I think I heard you say: As is true for all of your

15:16:43 8 EI analysis. Do you recall in the 2017 case that you received

15:16:49 9 an EI analysis from the Attorney General's office and that was

15:16:53 10 the EI analysis that you used, the Texas Attorney General's

15:16:59 11 office?

15:17:01 12 A. Again, there are a lot of Texas cases, but I know that

15:17:06 13 there -- maybe it was 2017. I know I received analysis in the

15:17:12 14 past from the Attorney General's office that I haven't relied

15:17:16 15 on, but I don't know if that was analysis I have relied on.

15:17:19 16 So at some point in the set of the Texas cases,

15:17:26 17 Dr. Stevenson, working with me, developed a methodology and a

15:17:29 18 set of programs for doing EI analysis that he shared with the

15:17:33 19 technicians at the Attorney General's office, so they have the

15:17:38 20 ability to run the EIs in the same form and fashion that we are

15:17:41 21 running them. So, you know, I don't -- this -- whatever was

15:17:49 22 going on in 2017, what's going on now is that the technicians in

15:17:58 23 the Attorney General's office can run an EI in exactly the form

15:18:02 24 that I want it run, because that's been set up by Dr. Stevenson.

15:18:07 25 Dr. Stevenson can run it.

CROSS - DR. ALFORD

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15:18:10 1                   In this particular -- for this particular analysis, I  
15:18:12 2 think at the time I wrote the report, I may have been using a  
15:18:19 3 run that came from the Attorney General's office, that was set  
15:18:24 4 up -- we are in the process of -- it's a very large data process  
15:18:28 5 to get ready for the trials that are coming up here in Texas, so  
15:18:32 6 if we -- for a while, have been involved in the process of  
15:18:34 7 building the data and programming capacity to do that. And we  
15:18:39 8 did that. We do that kind of a type of election at a time and  
15:18:42 9 we were -- we were not at the stage, yet, where we had the full  
15:18:46 10 Senate election data set.

15:18:49 11                   And so my recollection is that it was just quicker to  
15:18:54 12 have -- to have that -- I think what ended up happening was that  
15:19:02 13 Dr. Stevenson had that run with -- where the data was at that  
15:19:06 14 time, which was the TLC data that the Attorney General's Office  
15:19:12 15 had, rather than the data Dr. Stevenson had.

15:19:16 16                   Subsequent to that, Dr. Stevenson got that data, and  
15:19:21 17 while this has been run again, produces the same results, so I  
15:19:25 18 was confident then, because I knew it was Dr. Stevenson code  
15:19:30 19 that was being used, the TLC data. I'm confident now, because  
15:19:34 20 I've seen the replication of it. Directly, it's the same  
15:19:38 21 result.

15:19:38 22                   Q.     Okay. Who is the technician at the Texas Attorney  
15:19:43 23 General's Office? Who ran the EI analysis?

15:19:45 24                   A.     I know it's in the technical office. I don't know the  
15:19:49 25 actual person that runs the analysis.

CROSS - DR. ALFORD

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15:19:51 1 Q. Do you know any of the names of the people in the  
15:19:54 2 Texas Attorney General Office's technical office, who do run  
15:19:58 3 these types of EI analyses?

15:20:00 4 A. I now Mr. Falk is sort of -- to my knowledge,  
15:20:03 5 supervises that group. And I know there's a redistricter or a  
15:20:09 6 GS person there, but there are other technical people in the  
15:20:13 7 technical staff as well.

15:20:15 8 Q. Do you know if any of these technicians have Ph.D.s?

15:20:19 9 A. No idea.

15:20:20 10 Q. You've never inquired to see if they have a Ph.D.?

15:20:24 11 A. You know, I have never inquired, because you don't  
15:20:27 12 need to have a Ph.D. to initiate an R. Program. That's why we  
15:20:33 13 wrote the program.

15:20:34 14 Q. Do you know if they have any experience or training in  
15:20:35 15 running ecological inference analysis?

15:20:39 16 A. Again, you don't need to have experience in doing  
15:20:41 17 that. You would have to have some experience to doing that, if  
15:20:43 18 you're going to write the programs to do it, but if you're going  
15:20:47 19 to execute the programs, you don't need that experience. They  
15:20:52 20 might have, but I don't know.

15:20:52 21 Q. But you haven't inquired?

15:20:54 22 A. A decade or so ago when -- 15 years ago, the first  
15:20:59 23 time I met with any of the technical people, I know there was a  
15:21:03 24 mathematician there, who seemed to know a great deal about EI in  
15:21:08 25 his mathematical underpinnings, I thought quite sophisticated.